THE HON'BLE MR JUSTICE V.V.S.RAO

WRIT PETITION NO.11266 of 2006

Dated: 08-06-2006

Panga Seetharamaiah.

..... PETITIONER

AND

The Commissioner of Endowments, Hyderabad,
and two others.

.....RESPONDENTS

THE HON'BLE SRI JUSTICE V.V.S. RAO

WRIT PETITION NO.11266 of 2006

ORDER:

Sri Seetharama Chandraswamy Devasthanam, Madhira, third respondent herein, among others owns land admeasuring Acs.10.20 guntas in survey No.509 of Madupalli village. It conducted auction to lease out the land in accordance with the Andhra Pradesh Charitable and Hindu Religious Institutions and Endowments lease of Agricultural lands Rules, 2003 (hereinafter called 'the Rules'). The petitioner became highest bidder and the land was handed over to him on 04-06-2003. It is alleged that though the auction was conducted to lease out Acs.10.20 guntas, ultimately the land fell short by Acs.2.00 and therefore, he made representations on 06-02-2004 and 03-01-2005 to the third respondent to get the land surveyed, in vain. Be that as it is, the period of lease i.e., three years expired and the third respondent issued an auction notice dated 30-05-2006 to lease out the land. The auction is scheduled on
07-06-2006. Alleging that though the land fell short of Acs.2.00 and though his representations are pending consideration before the third respondent, the auction is being conducted, present writ petition is filed. The petitioner became highest bidder by quoting rent of Rs.46,200/- per year for the land which was notified for auction i.e., Acs.10.20 guntas. Indeed admittedly for a period of three years he paid Rs.1,38,600/-. It is alleged that the actual land cultivated by the petitioner is only Acs.8.20 guntas and Acs.2.00 of land which was allegedly leased out to him was not found on the ground. In spite of the representations, the land was not surveyed and therefore, the petitioner allegedly paid excess amount in a sum of Rs.27,720/-. This is highlighted by the learned counsel for the petitioner, Sri T.V.L. Narasimha Rao, in support of the contention that the action of the third respondent in conducting auction is arbitrary and illegal.

The auction of agricultural lands belonging to charitable institutions is governed by Section 82 of the Andhra Pradesh Charitable and Hindu Religious Institutions and Endowments Act, 1987 and the Rules referred to hereinabove. Rules 7 and 8 of the Rules deal with the procedure of conducting auction and Rule 9 of the Rules contains terms and conditions of the lease. Under Rule 16 of the Rules, all leases shall have to be reported to competent authority as designated in Rule 16(2) of the Rules. The competent authority is empowered either to confirm or to disapprove the lease. In this case after conducting auction in June, 2003, the same was confirmed by the competent authority accepting the

amount offered by the petitioner. Knowing fully well that the land fell short of Acs.2.00, the petitioner agreed to pay rent at Rs.46,200/- per year and continued to pay the same for three years. Though he states that he made representations in 2004 and 2005, he did not pursue the same, but paid lease amount for Acs.10.20 guntas. His remedy therefore lies in filing suit for refund of the amount. For such refund if any, the auction cannot be assailed as illegal. Conducting of auction for leasing out agricultural lands in accordance with the Rules is altogether different from the cause of action which the petitioner may get by reason of mistake of fact with regard to the extent of the land leased out to him in June, 2003.

For the above brief reasons, this Court is not inclined to admit the writ petition. The writ petition, which is devoid of merit, is accordingly dismissed. No costs.

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V.V.S.RAO, J

8th June, 2006
ghn